

City Council  
Atlanta, Georgia

09- 0 -0210

Z-08-71

AN ORDINANCE  
BY: ZONING COMMITTEE

**AUTHORIZING THE MAYOR OR HER  
DESIGNEE TO AMEND ORDINANCE NUMBER  
08-O-1898/Z-08-71 BY CORRECTING THE  
ZONING DESIGNATION IN SECTION I. TO  
REFLECT THE CONDITIONAL ZONING BASED  
ON THE CONDITIONS THAT WERE ADOPTED  
BY THE COUNCIL ON DECEMBER 1, 2008 AND  
APPROVED BY THE MAYOR ON DECEMBER 9,  
2008, AND FOR OTHER PURPOSES.**

**WHEREAS**, The City Council did adopt on December 1, 2008 and the  
Mayor did approve on December 9, 2008 Ordinance 08-O-1898/Z-08-71;  
and

**WHEREAS**, the legislation omitted the designation of the property as C-  
2-C, based on the conditions attached to the ordinance and adopted by  
City Council and approved by the Mayor; and

**WHEREAS**, the legislation is being corrected to ensure that the maps are  
properly documented with the correct zoning designation.

**NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF  
THE CITY OF ATLANTA, GEORGIA**, that the Mayor is authorized to  
amend Ordinance 08-O-1898/Z-08-71 as follows:

**SECTION 1:** That the address be amended so that the legislation reflect  
the approved zoning designation as C-2-C (Commercial Service-  
Conditional)

**Section 2:** - That all ordinances or parts of ordinances in conflict herewith  
are hereby waived.

City Council  
Atlanta, Georgia

08-O-1898

AN AMENDED ORDINANCE  
BY: ZONING COMMITTEE

Z-08-71

Date Filed: 9-11-08

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **3126 Piedmont Road, N.E.** be changed from the C-1 (Community Business) District to the C-2-C (Commercial Service-Conditional) District, to wit:

ALL THAT TRACT or parcel of land lying in Land Lot 61, 17<sup>th</sup> District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey/map.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

08-C-1898

(Do Not Write Above This Line)

AN ORDINANCE Z-08-71  
BY: ZONING COMMITTEE

An Ordinance to rezone from the C-1 (Community Business) District to the C-2 (Commercial Services) District, property located at 3126 Piedmont Road, N.E., fronting approximately 548.8 feet from the west side of Piedmont Road, beginning 548.8 feet from the southwest corner of Peachtree Road. Depth: 341 feet. Area: approximately 2.06 acres. Land Lot 61, 17<sup>th</sup> District, Fulton County, Georgia.  
OWNER: 3126 PIEDMONT, LLC  
APPLICANT 3126 PIEDMONT, LLC  
NPU - B  
COUNCIL DISTRICT 7

ADOPTED BY  
DEC 01 2008  
COUNCIL

- ☐ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER

Date Referred

10/6/2008

Referred To:

Zoning

First Reading

Committee Date  
Chair Date  
V-Chair Date

Committee

Date

Chair

Action

Fav, Adv, Held (see rev. side)

Others

AS ATTENDED

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Held (see rev. side)

Others

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Held (see rev. side)

Others

Members

Refer To

COUNCIL ACTION

- ☐ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

DEC 01 2008

CERTIFIED  
DEC 01 2008

3126 Piedmont, LLC  
APPLICANT

MAYOR'S ACTION

APPROVED

MAYOR

City Council  
Atlanta, Georgia

08-0-1898

AN ORDINANCE  
BY: ZONING COMMITTEE

Z-08-71

Date Filed: 9-11-08

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at 3126 Piedmont Road, N.E. be changed from the C-1 (Community Business) District to the C-2 (Commercial Service) District, to wit:

ALL THAT TRACT or parcel of land lying in Land Lot 61, 17<sup>th</sup> District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey/map.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk

ADOPTED by the Council  
APPROVED by the Mayor

DEC 01, 2008  
DEC 09, 2008



## Legal Description

All that tract or parcel of land lying and being in Land Lot 61 of the 17<sup>th</sup> District of Fulton County, Georgia and being more particularly described as follows:

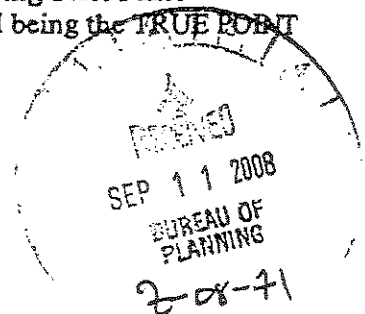
Beginning at a p.k. nail found on the southwesterly right-of-way of Piedmont Road, (R/W varies) 548.8 feet southeasterly from the intersection of the southerly right-of-way of Peachtree Road (R/W varies); thence along said right-of-way of Piedmont Road South 24 degrees 09 minutes 09 seconds East a distance of 399.92 feet to a ½ inch rebar set; thence departing said right-of-way South 69 degrees 21 minutes 25 seconds West a distance of 353.04 feet to a 1 inch open top pipe found; thence North 22 degrees 48 minutes 04 seconds West a distance of 32.83 feet to a p.k. nail found; thence North 19 degrees 30 minutes 21 seconds West a distance of 64.96 feet to a ½ inch rebar found; thence North 20 degrees 44 minutes 19 seconds West a distance of 97.71 feet to ½ inch rebar found; thence North 20 degrees 53 minutes 04 seconds West a distance of 97.63 feet to a ½ inch rebar found; thence North 68 degrees 13 minutes 00 seconds East a distance of 78.75 feet to a ½ inch rebar set; thence North 14 degrees 51 minutes 24 seconds West a distance of 93.50 feet to a ½ inch rebar set; thence North 66 degrees 37 minutes 32 seconds East a distance of 241.20 feet to said p.k. nail found and the point of beginning. Said tract containing 2.89 acres as shown on survey prepared by Pearson & Associates, Inc. dated January 11, 2006.

LESS AN EXCEPT THE FOLLOWING TRACT OR PARCEL OF LAND:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 61, 17<sup>th</sup> District, Fulton County, Georgia, being more particularly described as follows:

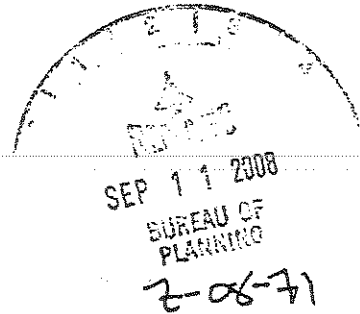
TO FIND THE TRUE POINT OF BEGINNING, commence at a ½-inch iron pin found in the westerly right-of-way line of Piedmont Road (80-foot right-of-way) (said pin having State Plane Coordinates [NAD83(94) West Zone] of North 1,397,315.601 and East 2,234,768.640; said pin being located south 71 degrees 14 minutes 19 seconds west a distance of 15.73 feet from the point formed by the intersection of the southerly lot line of Lot 6 of subdivision of Walton Realty Company Property and the westerly right of way of Piedmont Avenue as shown on subdivision of Walton Realty Company, dated 2/25/1913, recorded in Plat Book 5, Page 145, in the Fulton County Clerk of the Superior Court office, which plat describes such point of intersection as being 956.3 feet from the intersection of the Westerly Right of Way of Piedmont Avenue and the Southeasterly Right of Way of Peachtree Street); thence run South 71 degrees 14 minutes 19 seconds West a distance of 167.89 feet to an iron nail set (said nail having State Plane Coordinates of North 1,397,260.604 and East 2,234,609.997), said nail being the TRUE POINT OF BEGINNING.

1 of 2



FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED, thence running South 71 degrees 14 minutes 19 seconds West a distance of 185.00 feet to a 1-inch open-top pipe found; thence running North 21 degrees 11 minutes 21 seconds West a distance of 32.76 feet to a nail found in wall; thence running North 17 degrees 53 minutes 07 seconds West a distance of 65.12 feet to a 1/2-inch steel rod found; thence running North 18 degrees 39 minutes 21 seconds West a distance of 97.58 feet to a 3/4-inch open-top pipe found (below ground); thence running North 71 degrees 19 minutes 21 seconds East a distance of 184.98 feet to a nail set (said nail being set 1.20 feet perpendicular from edge of building); thence running South 18 degrees 49 minutes 45 seconds East a distance of 195.15 feet to an iron nail set, said nail being the TRUE POINT OF BEGINNING.

Said tract contains 0.83136 acres, more or less, as shown on a Property Plat titled "GA 400-West 230/20KV Substation (aka Buckhead) Property Plat," prepared by Georgia Power Co. Land Department, Drawing Number P-99-4, certified by M. Greg Johnson, Georgia Registered Land Surveyor No. 2203, dated January 10, 2008.

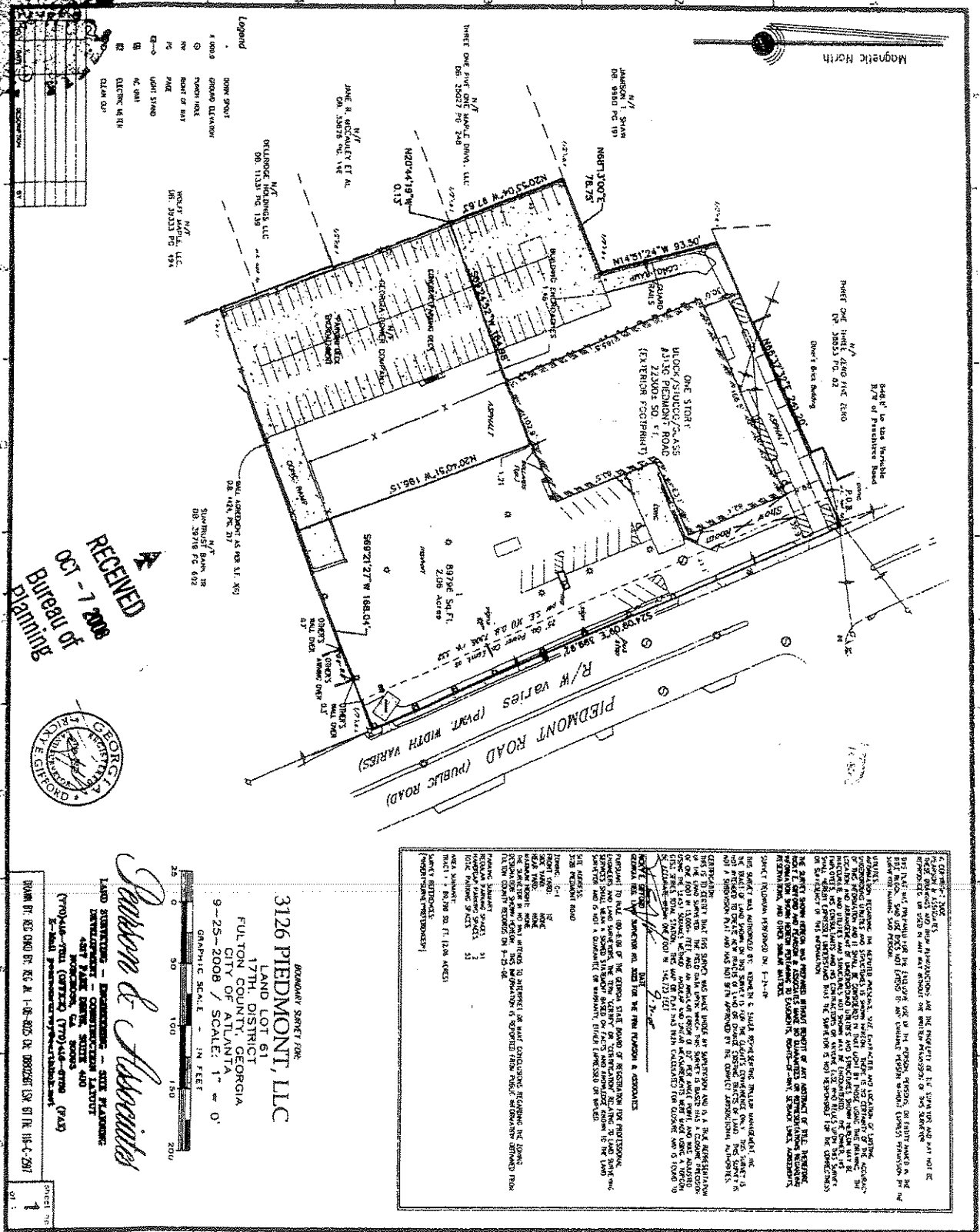




Conditions for Z-08-71 for 3126 Piedmont Road, N.E.

Use of the property shall be limited to the following permitted uses: (a) new and used car sales and rental, including other motorized vehicles such as mopeds and motorcycles; (b) repair garages, paint and body shops; (c) banks, savings and loan associations and similar financial institutions; (d) eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits, but excluding nightclubs, (e) professional or personal service establishments, but not hiring halls and/or (f) retail establishments including catering establishments, delicatessens and bakeries with wholesale operations.

2. Improvements on the property shall be limited to the existing improvements as shown on the as-built survey prepared by Pearson & Associates, Inc., dated January 11, 2006, last revised September 25, 2008, entitled Boundary and Above Ground As-Built Survey for James B. Cumming and Chicago Title Insurance Company, and marked received by the Bureau of Planning on October 7, 2008.
3. These conditions of zoning shall be binding upon all successors and assigns of the Applicant. The subdivision, sale, or partition of all or any part of this property shall not alter the obligation of all owners of the property to comply with these conditions of zoning. The Applicant will not request any administrative amendment without providing evidence that notice of such request has been given to the Chair of the Zoning Committee of NPU-B which seeks to:
  - (a) increase the square footage of any building or the number and/or location of parking spaces;
  - (b) change any of the uses or location of said uses specified;
  - (c) decrease any required exterior setback or the amount of landscaped area;
  - (d) materially reduce public access or public spaces; or
  - (e) otherwise materially alter these conditions.The Applicant will have the right to request administrative changes without such notification so long as such changes are required to comply with technical permitting requirements of the City of Atlanta or to address site conditions.
4. No parking will be leased to offsite uses.
5. The owner of the property will use best efforts (considering a viable development of the subject property) to facilitate and accommodate the right-of-way for a new public street connecting Piedmont Road and Maple Drive, if the necessary right-of-way through other property can be provided.
6. Narrative of these conditions shall be printed on the site plan filed with the Bureau of Planning.





RCS# 2615  
12/01/08  
3:13 PM

Atlanta City Council

SPECIAL SESSION

MULTIPLE

, 08-O-1464, 1465, 1466, 1467, 1168, 1766, 1272  
08-O-2127, ~~1898~~, 1468, 07-O-2526  
ADOPT AS AMEND

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 1  
ABSENT 0

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Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	E Sheperd	NV Borders

MULTIPLE